



COURT OF APPEALS

REBECA C. MARTINEZ
CHIEF JUSTICE
PATRICIA O. ALVAREZ
LUZ ELENA D. CHAPA
IRENE RIOS
BETH WATKINS
LIZA A. RODRIGUEZ
LORI I. VALENZUELA
JUSTICES

FOURTH COURT OF APPEALS DISTRICT
CADENA-REEVES JUSTICE CENTER
300 DOLOROSA, SUITE 3200
SAN ANTONIO, TEXAS 78205-3037
WWW.TXCOURTS.GOV/4THCOA.ASPX

MICHAEL A. CRUZ,
CLERK OF COURT

TELEPHONE
(210) 335-2635

FACSIMILE NO.
(210) 335-2762

January 11, 2022

Adam Poncio
Poncio Law Offices
5410 Fredericksburg Rd., #109
San Antonio, TX 78229-3550
* DELIVERED VIA E-MAIL *

Adrian A. Spears, II
Martinez De Vara Law Firm, PLLC
PO Box 377
Von Ormy, TX 78073
* DELIVERED VIA E-MAIL *

Jaquelyn F. Callanen
Bexar County Elections
Administrator
1103 S. Frio, Suite 100
San Antonio, TX 78207
* DELIVERED VIA E-MAIL *

Martin Golando
Law Office of Martin Golando,
PLLC
2326 W. Magnolia
San Antonio, TX 78201
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 04-22-00016-CV
Trial Court Case Number:
Style: In re Michele Carey Garcia

Enclosed please find the order which the Honorable Court of Appeals has
issued in reference to the above styled and numbered cause.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,
MICHAEL A. CRUZ,
Clerk of Court

A handwritten signature in cursive script that reads "Monica Rivera".

Monica Rivera
Deputy Clerk, Ext. 53855

cc: Charles H. Sierra (DELIVERED VIA E-MAIL)
Ryan G. Anderson (DELIVERED VIA E-MAIL)
Honorable John D. Gabriel, Jr. (DELIVERED VIA E-MAIL)
Arturo Martinez De Vara (DELIVERED VIA E-MAIL)



Fourth Court of Appeals
San Antonio, Texas

January 11, 2022

No. 04-22-00016-CV

IN RE Michele Carey GARCIA

Original Mandamus Proceeding¹

O R D E R

Sitting: Rebeca C. Martinez, Chief Justice (dissent to follow)
Patricia O. Alvarez, Justice
Beth Watkins, Justice

On January 10, 2022, relator Michele Carey Garcia filed a petition for writ of mandamus. On January 10, 2022 and January 11, 2022, real party in interest Rogelio Lopez, Jr. filed responses.

After reviewing the petition and responses, we **CONDITIONALLY GRANT** the petition for writ of mandamus. The trial court is directed to vacate the portions of its January 6, 2022 injunction order that:


- 1) find that the decision by Bexar County Democratic Chair Monica Alcantara to place relator Michele Carey Garcia's name on the primary ballot for the 2022 Democratic Party Primary for the office of Judge of the Justice of the Peace, Precinct 4, Place 1 is not permitted by the Texas Election Code and that Alcantara therefore should have rejected Garcia's application;
- 2) direct Alcantara to "take all steps necessary to prevent the printing of the ballots for the office of Judge of the Justice of the Peace, Precinct 4, Place 1" that include Garcia's name, "including withdrawing any certification or request she has made for printing of said ballots";
- 3) permanently enjoin Alcantara and the Bexar County Democratic Party from allowing Garcia to appear as a candidate on the primary ballot for the 2022 Democratic Party Primary for the office of Judge of the Justice of the Peace, Precinct 4, Place 1;

¹ This proceeding arises out of Cause No. 2021-CI-26103, styled *Rogelio Lopez, Jr. v. Monica Alcantara, Michele Carey Garcia and Albert Whitby*, pending in the 225th Judicial District Court, Bexar County, Texas, the Honorable John D. Gabriel, Jr. presiding.

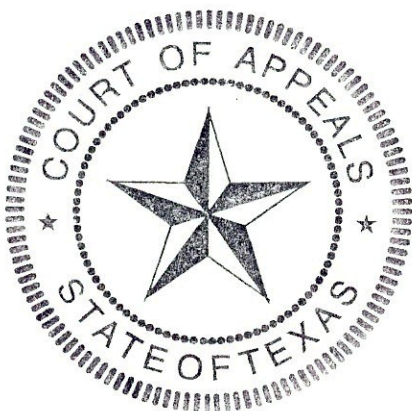
- 4) require Alcantara to withdraw any previous certification of Garcia's name to appear as a candidate on the primary ballot for the 2022 Democratic Party Primary for the office of Judge of the Justice of the Peace, Precinct 4, Place 1 and restrain her from re-certifying Garcia's name to appear on the ballot;
- 5) find Garcia's application was defective under the Texas Election Code; and
- 6) require Alcantara to reject Garcia's application to appear as a candidate on the primary ballot for the 2022 Democratic Party Primary for the office of Judge of the Justice of the Peace, Precinct 4, Place 1.²


The writ will issue only if the trial court fails to comply by January 12, 2022.

Written opinions will issue at a later date.


Beth Watkins, Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 11th day of January, 2022.




MICHAEL A. CRUZ, Clerk of Court

² This order does not affect the portions of the January 6, 2022 order that pertain to Albert Whitby, who is a party to the trial court's order but not to this mandamus proceeding.